

the committee. Such olives shall be kept separate and apart from other olives in the handler's possession and shall be disposed of only in the outlet shown on Form COC-5 and under the supervision of an inspector of the Inspection Service.

(3) *Time period for disposition.* All required disposition of noncanning olives shall be completed not later than September 30 of the crop year following the one in which the obligation is incurred or such later date that a handler may specify in a notice filed with the committee at least 15 days prior to September 15 of such subsequent crop year: *Provided*, That such notice shows that such handler has a sufficient quantity of olives held in storage to meet his obligation and such later date is not later than the date when he will have completed his disposition of olives of the crop year of obligation.

(4) *Olives not subject to incoming inspection.* Except as otherwise prescribed in § 932.51(b), any lot of olives to be used solely in the production of green olives or canned ripe olives of the "tree ripened" type shall not be subject to incoming inspection: *Provided*, That the applicable requirements of § 932.51(b) are met and the handler notifies the Inspection Service, in writing, that such lot is to be so used. Notice may be given by writing on the weight certificate "Lot to be used solely for use in the production of green olives or tree ripened olives" and a copy of such weight certificate given to the Inspection Service.

(f) *Partially exempted lots.* (1) Pursuant to § 932.55, any handler may process any lot of natural condition olives for use in the production of packaged olives which has not first been weighed and size-graded as an individual lot as required by § 932.51(a) (i) and (ii), but was combined with any other lot or lots of natural condition olives, only if (i) all the olives in the combined lot are delivered to the handler in the same day, (ii) the total net weight of the olives delivered to the handler by any person in such day does not exceed 500 pounds, (iii) each such person had authorized combination of his lot with other lots, and (iv) the combined lot of the natural condition olives is weighed and size-graded as required by

§ 932.51(a) (i) and (ii) prior to processing the olives.

(2) Whenever the natural condition olives in partially exempt individual lots are combined with other such olives as provided in paragraph (f)(1) of this section, the provision of the section applicable on individual lots shall apply instead to a combined lot.

(3) Each such handler shall file with the committee a weekly report showing for each day of the week the respective quantity in combined lots together with each person's authorization for combining lots. The report shall be filed upon a form supplied by the committee.

(g) *Additional Marketing Order Size Designations.* Pursuant to the authority in § 932.51(a)(1)(ii), the following additional size designations are established:

Designation(s)	Approximate count (per pound)	Average count range (per pound)
Subpetite .....	.....	181 and up.
Petite .....	166	141-180, inclusive.
Extra Large Sevillano "L" .....	86	76-90, inclusive.
Extra Large Sevillano "C" .....	70	65-75, inclusive.

[31 FR 12635, Sept. 27, 1966, as amended at 33 FR 15631, Oct. 23, 1968; 34 FR 15389, Oct. 2, 1969; 49 FR 34440, Aug. 31, 1984; 49 FR 44448, Nov. 7, 1984; 52 FR 38224, Oct. 15, 1987; 52 FR 49346, Dec. 31, 1987]

#### § 932.152 Outgoing regulations.

(a) *Inspection stations.* Processed olives shall be sampled and inspected only at an inspection station which shall be any olive processing plant having facilities for in-line or lot inspection which are satisfactory to the Inspection Service and the Committee; or an olive processing plant which has an approved Quality Assurance Program in effect.

(b) *Inspection—General.* Inspection of packaged olives for conformance with § 932.52 shall be by a Quality Assurance Program approved by the Processed Products Branch (PPB), USDA; or by in-line or lot inspection. A PPB approved Quality Assurance Program shall be pursuant to a Quality Assurance contract as referred to in § 52.2.

(c) *Certification.* (1) Each handler shall furnish daily to the Inspection

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Service a copy of a pack report for the preceding work day which shall contain at least the following:

(i) The total number of cases of packaged olives;

(ii) Number of cans per case;

(iii) Can size;

(iv) Can code;

(v) Variety;

(vi) Fruit size; and

(vii) Style.

(2) The Inspection Service shall issue for each day's pack a signed certificate covering the quantities of such packaged olives which meet all applicable minimum quality and size requirements. Each such certificate shall contain at least the following:

(i) Date;

(ii) Place of inspection;

(iii) Name and address of handler;

(iv) Can code;

(v) Variety;

(vi) Fruit size;

(vii) Can size;

(viii) Style;

(ix) Total number of cases;

(x) Number of cans per case;

(xi) And statement that packaged olives meet the effective minimum quality requirements for canned ripe olives as warranted by the facts.

(d) *Olives which fail to meet minimum quality and size requirements.* (1) Whenever any portion of a handler's daily pack of packaged olives fails to meet all applicable minimum quality and size requirements, the Inspection Service shall issue a signed report covering such olives. Each such report shall contain at least the following:

(i) Date;

(ii) Place of inspection;

(iii) Name and address of handler;

(iv) Can code;

(v) Variety;

(vi) Fruit size;

(vii) Can size;

(viii) Style;

(ix) Total number of cases;

(x) Number of cans per case; and

(xi) Reason why the applicable requirements were not met.

(2) All such packaged olives shall be kept separate and apart from other packaged olives and shall be so identified by control cards or other means satisfactory to the Inspection Service and the committee that their identity is readily apparent. Such packaged olives may be reprocessed under supervision of the Inspection Service. Any such packaged olives that are not so reprocessed may be disposed of only in accordance with § 932.155.

(e) *Examination of certain olives received for use in the production of canned ripe olives of the tree-ripened type.* Pursuant to § 932.51(b), whenever a handler receives a lot of natural condition olives or makes a separation resulting in a subplot, solely for use in the production of canned ripe olives of the tree-ripened type he shall, at the time of receiving such lot or making such separation, notify the committee or the Inspection Service of the lot so received or the subplot so created which shall then be subject to examination by the committee, or by the Inspection Service if so designated by the committee, to assure that the olives in such lot or subplot comply with the specifications set forth in § 932.109. Each such handler shall identify all such lots and sublots of natural condition olives and keep them separate and apart from other olives received. Such identification and separation shall be maintained throughout the processing and production of such olives as canned ripe olives of the tree-ripened type.

(f) *Size designations.* (1) In lieu of the size designations specified in § 932.52(a)(2), except as provided in § 932.51(a) (1) and (2), canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the marketing order size designations listed in table 1 contained herein, and shall be of a size not smaller than the applicable size requirements, tolerances, and percentages listed in paragraph (h) of this section.

TABLE I—CANNED WHOLE RIPE OLIVE SIZES AVERAGE COUNT RANGES  
[Per Pound]

Size designation	Variety group 1		Variety group 2	
	Except Ascolano, Barouni, St. Agostino	Ascolano, Barouni, St. Agostino	Obliza	Except Obliza
Small .....	N.A.	N.A.	N.A.	128–140
Medium .....	N.A.	N.A.	106–127	106–127
Large .....	N.A.	91–105	91–105	91–105
Extra Large .....	65–75	65–90	65–90	65–90
Jumbo .....	47–60	47–60	47–60	47–60
Colossal .....	33–46	33–46	33–46	33–46
Sup. Colossal .....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> 32 or fewer.

N.A.—Not Applicable.

(2) The size of the canned whole olives shall conform with the applicable count per pound range indicated in table I of paragraph (f)(1) of this section. When the count per pound of whole olives falls between two count ranges, the size designation shall be that of the smaller size. The average count for canned whole ripe olives is determined from all containers in the sample and is calculated on the basis of the drained weight of the olives.

(3) Pitted olives must meet the size requirements for canned whole olives specified in paragraphs (f)(1) and (f)(2) of this section prior to pitting, or must meet the size designations specified in § 52.3754 of the U.S. Standards for Grades of Canned Ripe Olives subsequent to pitting, subject to the following minimum size requirements:

(i) Variety group 1 olives, except Ascolano, Barouni, and St. Agostino varieties, shall be at least “Extra Large;”

(ii) Variety group 1 olives of the Ascolano, Barouni, and St. Agostino varieties shall be at least “Large;”

(iii) Variety group 2 olives, except the Obliza variety, shall be at least “Small;”

(iv) Variety group 2 olives of the Obliza variety shall be at least “Medium.”

(g) *Size Certification.* (1) When limited-use size olives for limited-use

styles are authorized during a crop year and a handler elects to have olives sized pursuant to § 932.51(a)(2)(i), any lot of limited-use size olives may be used in the production of packaged olives for limited-use styles if such olives are within the average count range in table II contained herein for that variety group, and meet such further midpoint or acceptable count requirements for the average count range in each size as approved by the committee.

TABLE II—LIMITED USE SIZE OLIVES

Variety	Average count range (per pound)
Group 1, except Ascolano, Barouni, and St. Agostino.	76–90, inclusive.
Group 1, Ascolano, Barouni, and St. Agostino.	106–140, inclusive.
Group 2, except Obliza .....	141–180, inclusive.
Group 2, Obliza .....	128–140, inclusive.

(2) When limited-use size olives are not authorized for limited-use styles during a crop year and a handler elects to have olives sized pursuant to § 932.51(a)(2)(ii), any lot of canning-sized olives may be used in the production of packaged olives for whole, pitted, or limited-use styles if such olives are within the average count range in table III contained herein for that variety group, and meet such further midpoint or acceptable count requirements for the average count range in each size as approved by the committee.

TABLE III—CANNED WHOLE RIPE OLIVE SIZES AVERAGE COUNT RANGES  
[Per Pound]

Size designation	Variety group 1		Variety group 2	
	Except Ascolano, Barouni, St. Agostino	Ascolano, Barouni, St. Agostino	Obliza	Except Obliza
Small .....	N.A.	N.A.	N.A.	128–140
Medium .....	N.A.	N.A.	106–127	106–127
Large .....	N.A.	91–105	91–105	91–105
Ex. Large .....	65–75	65–90	65–90	65–90
Jumbo .....	47–60	47–60	47–60	47–60
Colossal .....	33–46	33–46	33–46	33–46
Sup. Colossal .....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> 32 or fewer.

N.A.—Not Applicable.

(h) Canned whole ripe olives, other than those of the “tree-ripened” type, shall be of a size not smaller than the following applicable size requirements, tolerances and percentages:

(1) With respect to variety group 1 olives, except Ascolano, Barouni, and St. Agostino varieties, the individual fruits shall each weigh no less than 1/75 pound, except that

(i) For olives of the extra large size designation, not more than 25 percent, by count, of such olives may weigh less than 1/75 pound each including not more than 10 percent, by count, of such olives that weigh less than 1/82 pound each; and

(ii) For olives of any designation except the extra large size, not more than 5 percent, by count, of such olives may weigh less than 1/75 pound each;

(2) With respect to variety group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, the individual fruits shall each weigh not less than 1/105 pound, except that

(i) For olives of the large size designation, not more than 25 percent, by count, of such olives may weigh less than 1/105 pound each including not more than 10 percent, by count, of such olives that weigh less than 1/116 pound each; and

(ii) For olives of any designation except the large size, not more than 5 percent, by count, of such olives may weigh less than 1/105 pound each;

(3) With respect to variety group 2 olives, except the Obliza variety, the individual fruits shall each weigh not less than 1/140 pound, except that

(i) For olives of the small size designation, not more than 35 percent by count, of such olives may weigh less than 1/140 pound each including not more than 7 percent, by count, of such olives that weigh less than 1/160 pound each; and

(ii) For olives of any designation except the small size, not more than 5 percent, by count, of such olives may weigh less than 1/140 pound each;

(4) With respect to variety group 2 olives of the Obliza variety, the individual fruit shall each weigh not less than 1/127 pound, except that

(i) For olives of the medium size designation, not more than 35 percent, by count, of such olives may weigh less than 1/127 pound each including not more than 7 percent, by count, of such olives that weigh less than 1/135 pound each; and

(ii) For olives of any designation except the medium size, not more than 5 percent, by count, of such olives may weigh less than 1/127 pound each.

[31 FR 12635, Sept. 27, 1966, as amended at 33 FR 15632, Oct. 23, 1968; 36 FR 24795, Dec. 23, 1971; 48 FR 54212, Dec. 1, 1983; 52 FR 38224, Oct. 15, 1987; 52 FR 49346, Dec. 31, 1987; 57 FR 36353, Aug. 13, 1992; 59 FR 38106, July 27, 1994; 59 FR 55341, Nov. 7, 1994; 62 FR 1244, Jan. 9, 1997]

**§ 932.153 Establishment of minimum quality and size requirements for processed olives for limited uses.**

(a) *Minimum quality requirements.* On or after August 1, 1996, any handler may use processed olives of the respective variety group in the production of limited use styles of canned ripe olives if such olives were processed after July